

§ 298.43

public accountant's report based on an audit of the company's financial statements. We may require an audit by the public accountants of the financial statements contained in the company's semiannual report. We also may require certification of the semiannual report by the accountants. Where independent certification is not required, a responsible corporate officer will attach a certification that such report is based on the accounting records and, to the best of that officer's knowledge and belief, is accurate and complete.

(h) *Leveraged lease financing.* If the method of financing involved is a leveraged lease financing, or a trust is the owner of the Vessels, we may modify the requirements for annual and semiannual accounting reports of the Obligor accordingly.

(i) *Letter of confirmation.* The Company must furnish, along with its financial report, a letter of confirmation issued by its insurance underwriter(s) or broker(s) that the Company has paid premiums on insurance applicable to the preservation, protection and operation of the asset, which information

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must state the term for which the insurance is in force.

§ 298.43 Applicability of the regulations.

(a) The regulations in this part are effective August 21, 2000, and apply to all applications made, Letter Commitments, Commitments to Guarantee Obligations or Guarantees issued or entered into on or after August 21, 2000, under section 1104(a) of the Merchant Marine Act, 1936, as amended.

(b) The regulations in this part do not apply to any applications made, Letter Commitments, Commitments to Guarantee Obligations, or Guarantees issued under those regulations in effect before August 21, 2000. See 46 CFR, parts 200 to 499, edition revised as of October 1, 1996 and 46 CFR, parts 200 to 499, edition revised as of October 1, 1999 for regulations that apply to applications made, Letter Commitments, Commitments to Guarantee Obligations, or Guarantees issued before August 21, 2000.

Subpart F—Administration [Reserved]

SUBCHAPTER E [Reserved] SUBCHAPTER F—POSITION REPORTING SYSTEM

PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORT- ING SYSTEM FOR VESSELS

Sec.

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AUTHORITY: Secs. 204(b), 212(A), 1203(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(a), 1283)); Pub. L. 97–31; 46 CFR 1.66.

SOURCE: 51 FR 18329, May 19, 1986, unless otherwise noted.

§ 307.1 Purpose.

This part establishes that operators of U.S.-flag oceangoing vessels in U.S. foreign trade and certain foreign-flag vessels as described in 46 U.S.C. 1283 must report on their locations according to the provisions of this regulation to enhance the safety of vessel operations at sea and provide a contingency for events of national emergency.

§ 307.3 Definitions.

As used in this part:

(a) *Administrator* means the Maritime Administrator of the Department of Transportation.

(b) *MARAD* means the Maritime Administration, Department of Transportation.

(c) *Coast Guard* means the United States Coast Guard, Department of Transportation.

(d) *AMVER* means the Automated Mutual-Assistance Vessel Rescue System operated by the U.S. Coast Guard as it applies to U.S.-flag ships and certain non-U.S.-flag ships in U.S. foreign commerce under this regulation.

§ 307.5 Provisions of general applicability.

(a) The following operators must comply with the reporting requirements contained in this part:

(1) Operators of United States-flag vessels of one thousand gross tons or more, operating in the foreign commerce of the United States.

(2) Operators of foreign-flag vessels of one thousand gross tons, or more, for which an Interim War Risk Insurance Binder has been issued under the provisions of Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281 *et seq.*).

(b) Operators of other merchant vessels may choose to submit reports and have voyage information forwarded to MARAD, when approved by the Coast Guard and MARAD. Information voluntarily provided by them will be released by Coast Guard only for safety purposes or to satisfy certain advance notification requirements of 33 CFR part 160. Requests should be addressed to the Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, Attn: MAR-742.

§ 307.7 Information required in report.

(a) *Types of Reports.* Reports on vessel departure, arrival, position and deviation are required under this part. Sailing plans are optional, and may be sent prior to departure, or may be combined with departure reports.

(b) *Report Content.* Content of each type of required report are specified below. Note that the word "MAREP" must be included in the text of each message if MARAD is to receive the information.

(1) *Sailing Plan Report.* Sailing plan reports, though optional, must contain the following:

- (i) Vessel name,
- (ii) International Radio Call Sign,
- (iii) Intended time of departure,
- (iv) Port of departure and latitude/longitude,
- (v) Port of destination and latitude/longitude,
- (vi) Estimated time of arrival,

- (vii) Route information, and
- (viii) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(2) *Departure Report.* Departure reports must contain the following:

- (i) Vessel name,
- (ii) International Radio Call Sign,
- (iii) Time of departure,
- (iv) Port of departure,
- (v) Latitude and longitude, and
- (vi) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(3) *Position Report.* Position reports must contain the following:

- (i) Vessel name,
- (ii) International Radio Call Sign,
- (iii) Time at reported position,
- (iv) Latitude and longitude, and
- (v) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(4) *Deviation Report.* Deviation reports are necessary to report sailing plan changes or other changes and must contain the following:

- (i) Vessel name,
- (ii) International Radio Call Sign,
- (iii) The changes to prior reports, and
- (iv) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

(5) *Arrival Report.* Arrival reports must contain the following:

- (i) Vessel name,
- (ii) International Radio Call Sign,
- (iii) Port name,
- (iv) Latitude and longitude,
- (v) Time of arrival, and
- (vi) The keyword "MAREP".

If optional remarks are included, they must follow at the end of the text.

§ 307.9 When to report.

(a) Operators required to report under this regulation shall send reports during the Radio Officer's normal duty hours.

(b) Operators shall send reports as follows:

(1) Departure Reports must be sent as soon as practicable upon leaving the Port of Departure.

(2) Position Reports must be sent within twenty-four hours of departure, and subsequently, no less frequently than every forty-eight hours until arrival.